

EDWARDS ANGELL PALMER & DODGE LLP  
Rory J. McEvoy (RM-1327)  
Shari A. Alexander (SA-0615)  
Attorneys for Defendants  
Beth Israel Medical Center  
and Continuum Health Partners, Inc.  
750 Lexington Avenue  
New York, New York 10022  
212.308.4411

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JOSEPH DI GIOVANNA,

Plaintiff,

08 Civ. 02750 (LAK)

-against-

**NOTICE OF MOTION**

BETH ISRAEL MEDICAL CENTER, and  
CONTINUUM HEALTH PARTNERS, INC.,

Defendants.

-----X

PLEASE TAKE NOTICE that upon the annexed Declaration of Rory J. McEvoy, Esq., and the exhibits thereto, the annexed Declaration of Kathryn Meyer, Esq., the accompanying Memorandum Of Law In Support Of Defendant Continuum Health Partners, Inc.'s Motion To Dismiss, and all prior pleadings and proceedings in this action, Defendant Continuum Health Partners, Inc. will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York, on a date and time to be designated by the Court, for an order pursuant to Rule 12 of the Federal Rules of Civil Procedure, dismissing, with prejudice, the Complaint of Joseph

Di Giovanna and granting such other and further relief, including costs and attorneys' fees, as this Court deems just and proper.

Dated: March 21, 2008  
New York, New York

EDWARDS ANGELL PALMER & DODGE LLP

By: 

Rory J. McEvoy (RM-1327)

Shari A. Alexander (SA-1327)

Attorneys for Defendants

Beth Israel Medical Center

and Continuum Health Partners, Inc.

750 Lexington Avenue

New York, New York 10022

212.308.4411

To: Louis Ginsberg, Esq.  
The Law Firm of Louis Ginsberg, P.C.  
Attorneys for Plaintiff  
1613 Northern Boulevard  
Roslyn, New York 11576

EDWARDS ANGELL PALMER & DODGE LLP  
Rory J. McEvoy (RM-1327)  
Shari A. Alexander (SA-0615)  
Attorneys for Defendants  
Beth Israel Medical Center  
and Continuum Health Partners, Inc.  
750 Lexington Avenue  
New York, New York 10022  
212.308.4411

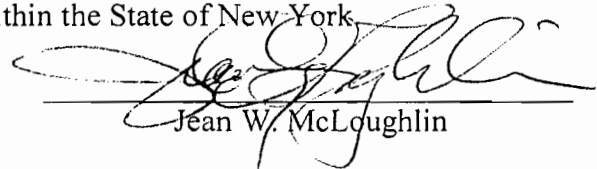
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JOSEPH DI GIOVANNA, :  
 :  
Plaintiff, : 08 Civ. 02750 (LAK)  
 :  
-against- : **AFFIDAVIT OF SERVICE**  
 :  
BETH ISRAEL MEDICAL CENTER, and :  
CONTINUUM HEALTH PARTNERS, INC., :  
 :  
Defendant. :  
----- X

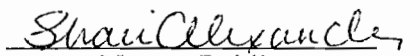
Jean W. McLoughlin, being duly sworn, deposes and says that she is over the age of eighteen; is not a party to this action; and that on the 21st day of March 2008, she served a true copy of the foregoing MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT CONTINUUM HEALTH PARTNER, INC.'S MOTION TO DISMISS, and NOTICE OF MOTION with accompanying declarations and exhibits annexed thereto upon:

Louis Ginsberg, Esq.  
The Law Firm of Louis Ginsberg, P.C.  
Attorneys for Plaintiff  
1613 Northern Boulevard  
Roslyn, New York 11576

by depositing a true copy of said document enclosed in prepaid, sealed wrapper, properly addressed to the above-named party, in an official depository under the exclusive care and custody of Federal Express, via overnight delivery, within the State of New York.

  
Jean W. McLoughlin

Sworn to before me this  
21st day of March 2008

  
Notary Public  
SHARI A. ALEXANDER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02AL6144342  
Qualified In New York County  
My Commission Expires April 24, 2010